

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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PCT

WRITTEN OPINION

OCT 27 2004

(PCT Rule 66)

Date of Mailing  
(day/month/year)

25 OCT 2004

Applicant's or agent's file reference

REPLY DUE

within 2 months/days from  
the above date of mailing

FDN-2726

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/37552

24 November 2003 (24.11.2003)

27 November 2002 (27.11.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A61K 7/11, 31/74 and US Cl.: 424/70.1, 70.11, 78.08

Applicant

ISP INVESTMENTS INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 27 March 2005 (27.03.2005).

Name and mailing address of the IPEA/US

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## WRITTEN OPINION

International application No.

PCT/US03/37552

## I. Basis of the opinion

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages 1-17, as originally filed

pages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the claims:

pages 18 and 19, as originally filed

pages NONE, as amended (together with any statement) under Article 19pages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the drawings:pages none, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the sequence listing part of the description:pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_.

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5.  This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

**WRITTEN OPINION**International application No.  
PCT/US03/37552**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>4 and 7-10</u>	YES
	Claims <u>1-3, 5 and 6</u>	NO
Inventive Step (IS)	Claims <u>7-10</u>	YES
	Claims <u>1-6</u>	NO
Industrial Applicability (IA)	Claims <u>1-10</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-3, 5 and 6 lacks novelty under PCT Article 33(2) as being anticipated by US 5,354,803 to Dragner et al (Dragner).

Dragner discloses polyvinyl alcohol graft copolymer binder emulsion comprising 12 to 35 % hydrolyzed polyvinyl alcohol (PVOH) and 65 % to 88 % vinyl or acrylic monomer, which is graft co-polymerized with PVOH, thus in the claimed percentage range. Suitable monomers that are grafted with PVOH are listed in col.2, which read on the instant claimed monomers. Example 1 discloses potassium persulfate, sodium persulfate, the claimed catalysts, used in the preparation of the polymer. Example describes the method of preparing polymer, which reads on the instant process. Accordingly, Dragner discloses instant polymer.

Claim 4 lacks an inventive step under PCT Article 33(3) as being obvious over US 5,354,803 to Dragner et al (Dragner).

Dragner does not specifically state a solution of PVOH graft copolymer and instead teaches the preparation of polymer. However, Dragner teaches that the polymer is used as a protective colloid for preparing emulsions (col. 1). Accordingly, using the polymer as an emulsion by using an appropriate solvent such as water or alcohol etc. would have been within the scope of a skilled artisan.

Claims 4, 7-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the use of polyvinyl alcohol grafted with a water or alcohol soluble or dispersible monomer for use in personal care product and solutions of polyvinyl alcohol grafted with a water or alcohol soluble or dispersible monomer.

Claims 1-10 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**----- NEW CITATIONS -----**

US 5,354,803 A (DRAGNER et al.) 11 October 1994 (11.10.1994), see col. 2, col. 3 and example 1.

WRITTEN OPINION

International application No.  
PCT/US03/37552

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.